

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4456 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.1, for grant of anticipatory bail in the event of his arrest in Crime No.77 of 2019 of Ibrahimpatnam Police Station, Rachakonda, Ranga Reddy District, registered for the offence punishable under Section 420 of IPC.

The case of the prosecution is that, the defacto complainant and the petitioner/A.1, being the Directors of Kesari Estates India Private Limited, have purchased the land admeasuring 1,380 square yards and later the complainant was informed by the petitioner that the entire land was acquired by the Government for laying ORR, that later the complainant went to USA for job purpose and after returning from USA, on enquiry he came to know through EC that only 900 square yards were acquired for ORR and the remaining land was sold by A.1 in favour of one M. Sukanya and others through different registered sale deeds, thereby the petitioner cheated him. Basing on the complaint of the defacto complainant, Crime No.77 of 2019 was registered for the aforesaid offence against the petitioner/A.1 and other accused.

Heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that all the allegations levelled against the petitioner are false and baseless and the present complaint is lodged against the petitioner for some unlawful gain. It is contended that the petitioner is innocent of the alleged offences and he was falsely implicated in the present crime. It is contended that as per the resolution passed by the Directors of Kesari Estates India Private Limited authorizing the petitioner to do all documentation, the petitioner has sold the land through various documents to A.6 to A.9. Since the complainant went to USA for job purpose, he is not aware of the Board Resolutions of the company and hence he filed a false complaint as if the petitioner and others have cheated him and there is no question of cheating the complainant. It is also contended that the alleged transactions are purely civil in nature and has to be adjudicated by the Civil Court. It is also contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

As seen from the contents of the FIR, it has been specifically stated by the complainant that though the petitioner informed that entire land was acquired by the Government for laying of ORR, on enquiry through EC, he came to know only 900 square yards was acquired for laying of ORR and the remaining land was sold by A.1 in favour of A.6 to A.9 through different sale deeds, being the Director of Kesari Estates India Private Limited and thereby cheated the complainant. Thus, in view of the specific allegations levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.1 surrenders before the Court below concerned and moves an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application may be considered in accordance with law.

With the above observations, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

05.08.2019.
Msr

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Msr